

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARK DeGEORGE,

Plaintiff,

- against -

ACE AMERICAN INSURANCE COMPANY,

Defendant.
-----X

Civil No.

07 cv 2761 (RPP)

**SUPPORTING
AFFIDAVIT OF
VICTOR A. CARR**

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

VICTOR A. CARR, being duly sworn, deposes and says:

1. That I am a member of the firm of STOCK & CARR, ESQS., attorneys for the plaintiff in the above-entitled action and as such, I am submitting the within affidavit and Memorandum of Law in opposition to the motion of the defendant which seeks summary judgment relieving the defendant insurance company from any liability under it's policy of marine insurance.

2. I am also submitting this affidavit in support of plaintiff's cross-motion for summary judgment, submitted simultaneously herewith.

3. This Court is respectfully referred to this affirmant's Memorandum of Law submitted simultaneously herewith. It is submitted that

the defendant insurer failed to disclaim coverage in a proper and timely manner and that, as such, plaintiff's cross-motion should be granted, with findings that the defendant's disclaimer was invalid and that the defendant is obligated to defend and indemnify the plaintiff in the underlying personal injury action. It is further submitted that the defendant's motion for summary judgment should be denied in that the defendant has failed to eliminate all questions of fact.

WHEREFORE, it is respectfully requested that this court issue an order denying the defendant's motion in it's entirety, granting plaintiff's cross-motion in it's entirety, or for such other relief this Court feels is just and proper.

DATED: Mineola, New York
October 22 , 2007

VICTOR A. CARR (VC 7542)

Sworn to before me this
22nd day of October, 2007

Notary Public